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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,691	08/05/2003	Kiyoji Minegishi	59558.00018	7601
32294	7590	03/04/2005	EXAMINER	
SQUIRE, SANDERS & DEMPSEY L.L.P. 14TH FLOOR 8000 TOWERS CRESCENT TYSONS CORNER, VA 22182			BRYANT, DAVID P	
			ART UNIT	PAPER NUMBER
			3726	

DATE MAILED: 03/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/633,691	MINEGISHI ET AL.
	Examiner	Art Unit
	David P. Bryant	3726

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 03 January 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-9 is/are pending in the application.
  - 4a) Of the above claim(s) 4,5 and 7-9 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-3 and 6 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 080503.

- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election without traverse of Species A (readable on claims 1-3 and 6) in the reply filed on January 3, 2005, is acknowledged.

Claims 4, 5, and 7-9 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention/species, there being no allowable generic or linking claim.

### ***Drawings***

The drawings are objected to because of the following:

- (1) Figures 9-12 should be labeled "PRIOR ART."
- (2) In Figure 7(B), "226C" should apparently be changed to --226A--.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an

application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claims 1-3 and 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

Claim 1: In lines 3-4, it is not clear what is meant by the language "said rotor making rotations and oscillations of said oscillator."

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 2000-179544 (hereinafter JP).**

Claim 1: JP teaches a method for assembling a rotor of a power transmission device **26** having an oscillator **24** (or **25**) and a rotor **23a** (or **24a**) (see Figure 6), the method comprising:

loading a plurality of rolling elements **2** to be arranged between the rotor and the oscillator via a retainer **3** for positioning said rolling elements, from inside said retainer (see Figure 1, noting the flanged portions **3b** of the retainer within which the rolling elements are positioned from the inside); and

assembling said rotor into inside said loaded rolling elements (Figures 1 and 6).

Claim 2: In Figures 1 and 2, note inner support ring **4**, which is diametrically smaller than the PCD connecting the rolling centers of the rolling elements **2** and is inserted within the loaded rolling elements **2** to capture the rolling elements between the retainer and the inner support ring. The inner support ring is perforated with a plurality of inner pockets **6** for allowing the rolling elements to be partially exposed to its inner side. As depicted in Figure 6, the rotor **23a** (or **24a**) is inserted into the interior space of the inner support ring.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over JP 2000-179544 (hereinafter JP) in view of Murphy (U.S. Patent No. 4,398,777).**

JP teaches all claimed steps, with the exception of pulling out the inner support ring.

Murphy teaches a method of holding rolling elements 14 against an inner retainer 10 using an inner support ring 20. See Figures 1-3. When mounting the rolling elements and retainer about a shaft, the shaft is inserted within the inner support ring, and the inner support ring is pushed/pulled out from the inner support ring as the shaft is inserted within the rolling elements (Abstract, column 2, lines 11-47).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have removed the inner support ring of JP as the retainer and rolling elements are installed on the rotor, as taught by Murphy, to permit re-use of the inner support ring. Further, it is noted that applicant discloses (in paragraphs [0059] and [0060] of the specification) that the inner support ring can either be pulled out from the rolling elements, or left as is on the rotor. Thus, there appears to be no criticality to removing the inner support ring, and to do so is deemed to have been obvious and well within the level of ordinary skill in the art.

**Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over JP 2000-179544 (hereinafter JP).**

Although not explicitly disclosed by JP, the examiner takes Official Notice that a rotor ring is conventionally installed on a rotor subsequent to installation of a bearing element thereon, and to install such a rotor ring against the rolling elements/retainer of JP would have been obvious to one of ordinary skill in the art to restrain the rolling elements and retainer from relative axial movement with the rotor.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to David P. Bryant whose telephone number is (571) 272-4526.

The examiner can normally be reached on Monday-Thursday (6:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on (571) 272-4690. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



David P. Bryant  
Primary Examiner  
Art Unit 3726

dpb  
3/1/05